IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1343 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07-07-2004 in W.P.No.12666 of 2003 on the file of the High Court.)

Between:

J.C. Swathi, D/o. J.C. Rajasekhar Reddy,
Jutur Village, Peddapappur Mandal, Anantapur District.

..... APPELLANT

AND

1.The District Collector, Ananthapur.
2.The Joint Collector, Ananthapur.
3.The Revenue Divisional Officer, Ananthapur.
4.The Mandal Revenue Officer, Peddapappur Mandal, Ananthapur

District.
5.N. Kesava Reddy, S/o Chinna Reddy,
Jutur Village, Peddapappur Mandal, Ananthapur District.

....RESPONDENTS.

Counsel for the Appellant: Mr.O.MANOHER REDDY

Counsel for Respondents 1 to 4: G.P. FOR CIVIL SUPPLIES

Counsel for Respondent No.5: Mr. N. Ranga Reddy

The Court made the following :

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

Appellant was having fair price shop dealership in village Jutur, Peddapappur Mandal, Anantapur District, when she was unmarried. Her dealership was cancelled after issuance of notice on the ground that she was married to a person residing in Madanapalle. Order was confirmed by the appellate authority and the revisional authority. Learned single Judge also dismissed the writ petition. Appeal is against the said order.

On complaint received regarding the residency of the appellant that after her marriage she was residing in Madanapalle and not residing in Jutur and that fair price shop was not being run by her and her father was running the same, enquiry was conducted by Mandal Revenue Inspector and ultimately Mandal Revenue Officer has submitted a report that after marriage appellant was not actually residing in village Jutur in Anantapur District, but was residing in Madanapalle in Chittoor District and that fair price shop was being run by her father. This led to the issuance of the show cause notice. The Revenue Divisional Officer, after considering the explanation given by the appellant pursuant to the show cause notice, proceeded to pass an order cancelling the dealership. The matter was carried in appeal to the Joint Collector and also in revision to the District Collector. The Collector also seems to have got made some enquiry and while concurring with the report of the Mandal Revenue Officer, affirmed the order passed by the Joint Collector in appeal. The grievance of the writ petitioner-appellant is that the said order was made without affording opportunity to rebut or to meet the same.

We find no substance in the contention, which was also rejected by the learned single Judge.

It is not that the District Collector solely relied upon the earlier report of the Mandal Revenue Officer. But, in order to lend support to his conclusion that no interference was called for in the orders of the primary authority and the appellate authority, he even called for another report during the pendency of the revision from the Mandal Revenue Officer, which would reveal that after marriage appellant was residing with her husband at Madanapalle and not at Jutur. As a matter of fact, residence certificate issued by Mandal Revenue Officer, Madanapalle, dated 4-8-2003, which is placed on record, shows that appellant is a resident of Madanapalle in Chittoor

District.

There is no illegality in the impugned order. Writ appeal, therefore, is dismissed.

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(DEVINDER GUPTA, C.J.)

2nd September 2004.

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(C.V.RAMULU, J.)

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To

1.The District Collector, Ananthapur.
2.The Joint Collector, Ananthapur.
3.The Revenue Divisional Officer, Ananthapur.
4.The Mandal Revenue Officer, Peddapappur Mandal, Ananthapur

District.
5.Two C.Cs to Govt. Pleader for Civil Supplies, High Court Bldgs., Hyderabad (OUT).

6.Two C.D. copies.